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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,207	03/05/2002	Robert T. Calvano	20124	8598
28133	7590	01/10/2005	EXAMINER	
RICHARD L. MARSH 4116 E. LATOKA SPRINGFIELD, MO 65809			RICHMAN, GLENN E	
		ART UNIT		PAPER NUMBER
		3764		

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/092,207	CALVANO, ROBERT T.
Examiner	Art Unit	
Glenn Richman	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 October 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-20 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Specification***

The disclosure is objected to because of the following informalities: The presence of web links on pages 3, 14, and 19 is objected to.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smythe in view of "Wrist Coach (WC)" (specification page 3 of application).

Smythe a wrist band and a timepiece (fig. 1).

Smythe does not disclose an exercise routine card.

"WC" discloses exercise routing cards (abstract).

It would have been obvious to use WC's exercise routine cards, with Smythe's wrist band, as it is well known to have exercise routine's printed on cards, and attached to a wrist band, as taught by WC, and as Smythe's wrist band is designed for carrying cards.

Symthe further discloses said wrist band having means for carrying said timepiece (fig. 1), means for carrying said exercise routine card (9) and means for displaying said exercise routine card (10).

As for claim 2, WC discloses an elastic sleeve adapted to be telescopically received over the hand of an user and disposed about the wrist of said user.

As for claims 3, 5, 7, Symthe discloses means for carrying said exercise card comprises a pocket affixed to a exterior surface of said wrist band (9), an opening on at least one marginal edge thereof for telescopically receiving said exercise routine card therein (fig. 1), means for carrying said timepiece is provided on said exterior surface of said wristband substantially opposite said pocket wherein said means for carrying said exercise card is displayed toward an user of said exercise aid when said user's wrist is in a palm up orientation and said means for carrying said timepiece is displayed toward said user when said user's wrist is oriented palm down (fig. 1), said pocket has an opening on at least one marginal edge thereof for telescopically receiving said exercise routine card therein (fig. 1).

As for claim 8, 9, WC discloses a transparent covering on the exposed face thereof for viewing, the routines on displayed on opposite sides of the card.

As for claims 11-13, there is no patentable distinction held regarding printed matter of the weight lifting see MPEP 2112.01, and would further be obvious given that weight lifting routines are routinely displayed on printed matter.

The method claims 14-20, are inherent in the corresponding apparatus claims and are rejected for the reasons above.

Claims 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Symthe and WC as applied to the claims above, and further in view of Jacks.

Symthe does not specifically detail the time piece being removably affixed.

Jacks discloses a timepiece is removably fixed to an exterior surface of said elastic wrist band (60).

It would have been obvious to have Smythe's time piece removably affixed, as it is well known in the art, as taught by Jacks, to have a removable time piece.

As for claim 6, Jack further discloses a hook portion of a hook and loop fastener (38).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cho discloses a wrist watch with a memo case

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 703 308-3170. The examiner can normally be reached on Mon-Thurs.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn Richman  
Primary Examiner  
Art Unit 3764